




## *Report to the Auburn City Council*

Action Item

Agenda Item No.

16

  
City Manager's Approval

**To:** Mayor and City Council Members  
**From:** Jennifer A. Solomon, Code Enforcement Officer  
**Date:** June 9, 2014  
**Subject:** Non Payment of Administrative Citations, Authority to Assess Tax Roll

### *The Issue*

Shall the City of Auburn recover administrative citation fines by placement on the Tax Roll Assessment?

### *Conclusions and Recommendation*

Staff recommends that the City Council, by resolution, approve the Tax Roll Assessment for Administrative Citation's and direct the City Clerk to file a certified copy of the report with the Placer County Auditor-Controller in order to collect.

### *Background*

The enforcement of the Auburn Municipal Code authorizes staff to issue administrative citations in cases of non-compliance. The cited individual has the right to appeal the citation. In each of the cases attached herein, the responsible parties did not appeal the citations and said fines are now delinquent. The Auburn Municipal Code (Section 10.96) allows staff to pursue any and all legal remedies for the collection of delinquent fines. For example, the City may record the delinquent fines as a lien, a special assessment, or collect the outstanding debt by filing a lawsuit or referring the debt to a collection agency. The imposition of a special assessment has several benefits compared to other methods

This is an annual process and this report summarizes the cases involving the non-payment of administrative citations.

### **Citations**

Two (2) cases have enforcement fines which are presently delinquent; the total delinquent amount, including late fees and interest, is \$941.60. Attachments 1 and 2 are the resolution authorizing the City of Auburn to assess each property owner by placing the cost of the fines directly onto each property owner's tax roll. Attachment 3 is the resolution required by the Placer County Auditor-Controller's Office authorizing them to collect charges. These actions by the City Council are required to proceed to collection.

## Case Summaries

Provided below is a brief, but not exhaustive summary of each case, a timeline and amount due for each property. Please note that these summaries do not include all communications we have had with the property owners, which in most cases is extensive.

1. **153 Stephen Avenue** – On January 10, 2014, at approximately 12:01am Auburn Police Department (APD) was called out to this address for barking dogs. The owner was contacted and asked to keep the dogs quiet. On January 17, 2014, at approximately 2:51am APD was called about barking dogs again. The owner was contacted and asked to keep the dogs quiet. On January 31, 2014, at approximately 1:28am APD was called again for barking dogs. The officer parked approximately 150 feet down the street. Each time the dog barked the officer documented it on his computer. The dog barked 80 times over duration of approximately 18 minutes. The owner was contacted at his front door and a citation was issued (\$100.00).

*Citation* – The citation in this case was neither appealed nor paid. With late fees and interest, the total due is \$117.70.

2. **12625 Luther Road** – On January 9, 2013, APD was called out about four dogs at large. The owner was contacted and warned about the dogs being at large. On January 12, 2013, APD was called about five dogs running at large. The officer was unable to locate them. On January 19, 2013, APD was called about four dogs at large. The owner was contacted and was told to keep them penned up. On February 11, 2013, APD was called about four dogs running at large. The caller stated she was walking with her six year old son, when the dogs circled them, acting very aggressive. The owner was contacted and warned again. On April 27, 2013, APD was called about a cat being mortally wounded. The dogs that live at 12625 Luther Road were seen running at large shortly before the cat was found. The officer was unable to reach the owner at home or by telephone. On April 29, 2013, APD was called for three dogs running at large. The owners were contacted at the home. On May 5, 2013, APD was called for three dogs running at large. The owner was cited for dog at large and no dog license (\$200.00). On May 9, 2013, the owner was cited for dog at large and no dog license (\$200.00) regarding the cat attack.

From June 28 - July 19 2013, Nakita had been seen four more times at large. After speaking with four different residents in this general area, "Nakita", a yellow chow /mix was the aggressive dog in the group. All of these residents had been fearful and took evasive measures to protect themselves. On July 20, 2013, a citation for dogs at large was issued (\$200.00) and Nakita was declared Potentially Dangerous. The owners were given until July 26, 2013, to come into compliance. The options were to euthanize, appeal or comply. On August 5, 2013, the property owner was sent a follow up letter and a citation for failure to comply (\$100.00). An extension to September 5, 2013 was given in order to gain voluntary compliance. On September 26, 2013, staff received proof from the veterinarian that the owner had euthanized Nakita on August 26, 2013.

*Citation* – The citations in this case were neither appealed nor paid. With late fees and interest, the total due is \$823.90.

**Alternatives Available to Council; Implications of Alternatives**

1. Adopt the resolutions.
2. Modify the resolutions; directing staff to collect fines in another manner (record a lien or send to Placer Creditors Bureau).
3. Take no action, administrative fines and/or abatements will not be placed on the tax rolls.

**Fiscal Impact**

The fine amount collected from the City Council action will reimburse the general fund for administrative enforcement. Actual reimbursement will not occur until the 2014/2015 Fiscal Year.

**Attachments**

Attachment 1 – Resolution for Non Payment of Administrative Citations - 153 Stephen Avenue  
Attachment 2 – Resolution for Non Payment of Administrative Citations - 12625 Luther Road  
Attachment 3 - Resolution to Placer County for Collection of Charges

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING  
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATION AND ORDERING  
THE ASSESSMENT OF SUCH COSTS – 153 STEPHEN AVENUE

WHEREAS, section 54988, Chapter 12.5, Part 1, Division 2, Title 5 of the  
California Government Code authorizes the City Council collect the fees, costs,  
and penalties for enforcement of the municipal code and for abatement of  
nuisances; and

WHEREAS, section 38773.5, Article 6, Chapter 10, Part 2, Division 3, Title 4 of  
the Government Code authorizes the City to impose a special assessment  
against a parcel of real property which is the subject of a nuisance abatement  
action pursuant to the procedures set forth in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to  
collect delinquent fines and penalties by imposing a special assessment; and

WHEREAS, the responsible party at 153 Stephen Avenue (APN 003-031-024-  
000) was cited for a violation of the Auburn Municipal Code; and

WHEREAS, the responsible party was duly informed of their right to appeal the  
citation; and

WHEREAS, the responsible party did not pay the citation amount or appeal the  
citation; and

1 WHEREAS, the responsible party was sent a past due notice regarding the  
2 delinquent citation, late fees and interest; and

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4 WHEREAS, this action is the result of such non-payment; and

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6 WHEREAS, delinquent fines may be recorded as a special assessment pursuant  
7 to Section 10.96 of the Auburn Municipal Code; and

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9 WHEREAS, the responsible party has been properly notified of the time and  
10 place of the hearing by mail; and

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12 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and  
13 incorporated herein by reference; and

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15 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was  
16 posted on or near the chamber door of the City Council for at least three days  
17 prior to the Hearing; and

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19 WHEREAS, on the date of the adoption of this Resolution, the City Council held  
20 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time  
21 and place fixed in such notice, at which the responsible party had an  
22 opportunity to present the City Council with objections to the assessments  
23 described in the Report (the "Hearing"); and

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25 WHEREAS, all such persons desiring to be heard have been heard by the City  
26 Council and the City Council is fully informed of the premises; now therefore,

1 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**  
2 **FOLLOWS:**

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4 SECTION 1: The foregoing recitals are each true and correct.  
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6 SECTION 2: The City Council overrules any objections and confirms the  
7 Report as submitted.  
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9 SECTION 3: The City Council confirms the assessment of \$117.70 against  
10 the responsible party at 153 Stephen Avenue (APN 003-031-024-000), and  
11 orders that the assessment be transmitted to the County of Placer for  
12 collection at the same time and in the same manner as ordinary municipal  
13 taxes.  
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15 SECTION 4: The City Clerk is directed to record in the office of the County  
16 Recorder notice of this order confirming the assessment.  
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18 PASSED, APPROVED AND ADOPTED this \_\_\_\_ of \_\_\_\_\_ 2014.  
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20 \_\_\_\_\_  
21 Bridget Powers, Mayor  
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23 ATTEST:  
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25 \_\_\_\_\_  
26 Stephanie Snyder, City Clerk  
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28 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that  
the foregoing resolution was duly passed at the regular meeting of the City

1 Council of the City of Auburn held on the \_\_\_\_ of \_\_\_\_\_ 2014 by the  
2 following vote on roll call:

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4 Ayes:

5 Noes:

6 Absent:

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Stephanie Snyder, City Clerk

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## RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN CONFIRMING  
A REPORT FOR NON-PAYMENT OF ADMINISTRATIVE CITATIONS AND ORDERING  
THE ASSESSMENT OF SUCH COSTS – 12625 LUTHER ROAD

WHEREAS, section 54988, Chapter 12.5, Part 1, Division 2, Title 5 of the  
California Government Code authorizes the City Council to collect fees, costs,  
and penalties for enforcement of the municipal code and for abatement of  
nuisances; and

WHEREAS, section 38773.5, Article 6, Chapter 10, Part 2, Division 3, Title 4 of  
the Government Code authorizes the City to impose a special assessment  
against a parcel of real property which is the subject of a nuisance abatement  
action pursuant to the procedures set forth in its ordinance; and

WHEREAS, Section 10.96 of the Auburn Municipal Code authorizes the City to  
collect delinquent fines and penalties by imposing a special assessment; and

WHEREAS, the responsible party at 12625 Luther Road (APN 052-112-007-  
000) was cited for a violation of the Auburn Municipal Code; and

WHEREAS, the responsible party was duly informed of their right to appeal the  
citations; and

WHEREAS, the responsible party did not pay the citation amount or appeal the  
citations; and



1 WHEREAS, the responsible party was sent a past due notice regarding the  
2 delinquent citations, late fees and interest; and

3  
4 WHEREAS, this action is the result of such non-payment; and

5  
6 WHEREAS, delinquent fines may be recorded as a special assessment pursuant  
7 to Section 10.96 of the Auburn Municipal Code; and

8  
9 WHEREAS, the responsible party has been properly notified of the time and  
10 place of the hearing by mail; and

11  
12 WHEREAS, a copy of the Report is on file in the Office of the City Clerk and  
13 incorporated herein by reference; and

14  
15 WHEREAS, a copy of the Report, with a notice of the time of the Hearing was  
16 posted on or near the chamber door of the City Council for at least three days  
17 prior to the Hearing; and

18  
19 WHEREAS, on the date of the adoption of this Resolution, the City Council held  
20 a public hearing at Council Chambers, City Hall, 1225 Lincoln Way, the time  
21 and place fixed in such notice, at which the responsible party had an  
22 opportunity to present the City Council with objections to the assessments  
23 described in the Report (the "Hearing"); and

24  
25 WHEREAS, all such persons desiring to be heard have been heard by the City  
26 Council and the City Council is fully informed of the premises; now therefore,

1 **THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE AS**  
2 **FOLLOWS:**

3  
4 SECTION 1: The foregoing recitals are each true and correct.

5  
6 SECTION 2: The City Council overrules any objections and confirms the  
7 Report as submitted.

8  
9 SECTION 3: The City Council confirms the assessment of \$823.90 against  
10 the responsible party at 12625 Luther Road (APN 052-112-007-000), and  
11 orders that the assessment be transmitted to the County of Placer for  
12 collection at the same time and in the same manner as ordinary municipal  
13 taxes.

14  
15 SECTION 4: The City Clerk is directed to record in the office of the County  
16 Recorder notice of this order confirming the assessment.

17  
18 PASSED, APPROVED AND ADOPTED this \_\_\_\_ of \_\_\_\_\_ 2014.

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20 \_\_\_\_\_  
21 Bridget Powers, Mayor

22  
23 ATTEST:

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25 \_\_\_\_\_  
26 Stephanie Snyder, City Clerk

27  
28 I, Stephanie Snyder, City Clerk of the City of Auburn, hereby certify that  
the foregoing resolution was duly passed at the regular meeting of the City

1 Council of the City of Auburn held on the \_\_\_\_ of \_\_\_\_\_ 2014 by the  
2 following vote on roll call:

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4 Ayes:

5 Noes:

6 Absent:

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Stephanie Snyder, City Clerk

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RESOLUTION NO. 14-

REQUESTING COLLECTION OF CHARGES ON THE 2014/2015 TAX ROLL  
FOR THE CITY OF AUBURN- NON PAYMENT OF ADMINISTRATIVE  
CITATIONS

TAX CODE NUMBER 60701

DIRECT CHARGE NAME: NON PAYMENT OF ADMINISTRATIVE  
CITATIONS

Whereas, the City of Auburn (hereinafter "District/City") requests the County of Placer collect on the County tax rolls certain charges which have been imposed pursuant to section 53069.4 and 54988 of the Government Code and Auburn Municipal Code Section 10.80 et seq by the District/City, attached hereto, and

Whereas, the County has required as a condition of the collection of said charges that the District/City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

Now, Therefore, Be It Hereby Resolved by the Board/Council of District/City that:

1. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.
2. The District/City warrants and represents that the taxes, assessments, fees and/or charges imposed by the District/City and being requested to be collected by Placer County comply with all requirements of state law, including but not limited to Articles XIIC and XIID of the California Constitution (Proposition 218).
3. The District/City releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County on the property tax roll of any taxes, assessments, fees and/or charges on behalf of District/City.
4. In consideration for the County's collection of the charge through the County's property tax roll, the District/City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's/City's said taxes, assessments, fees and/or charges requested to be collected by County for District/City, or in any manner arising out of District's/City's establishment and imposition of said taxes,

assessments, fees and/or charges. District/City agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's/City's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County on behalf of District/City, including property taxes.

5. The District/City agrees that its officers, agents and employees will cooperate with the County by responding to all inquiries referred to District/City by County from any person concerning the District's/City's taxes, assessments, fees and/or charges, and that District/City will not refer such persons to County officers and employees for response.
6. The District/City agrees to pay the County for the reasonable and ordinary charges to recoup its costs of placement and collection on the tax rolls at the agreed upon rate of 1% of the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by District/City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following vote on roll call:

AYES

NOES

ABSENT

\_\_\_\_\_  
Bridget Powers, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie Snyder, City Clerk

LEGAL NOTICE

**NOTICE OF PUBLIC HEARING  
NON PAYMENT OF ADMINISTRATIVE CITATIONS  
ASSESSMENT FOR TAX ROLL**

**NOTICE IS HEREBY GIVEN** that the Auburn City Council will hold a public hearing on Monday, June 9, 2014 at 6:00 p.m. in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, CA, to allow any property owners that have not paid Administrative Citations and/or Abatement Costs to object to those costs being placed on the Placer County Tax Roll for collections. In addition, the City Council will consider a cost report for each delinquent account, and will impose a special assessment on those properties in the amounts listed in the Report pursuant to California Government Code (Section 38773.5) and Auburn Municipal Code section 10.96.

Jennifer Solomon  
Code Enforcement Officer  
City of Auburn

PUBLISHED: May 30, 2014